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May 11, 2011

**VIA ECF**

The Honorable Magistrate Judge James Orenstein  
225 Cadman Plaza East  
Room 456 North  
Brooklyn, NY 11201

Re: In re Payment Card Interchange Fee and Merchant Discount Antitrust  
Litigation,  
Case No. 1:05-MD-1720-(JG)(JO)

Dear Magistrate Judge Orenstein:

By this letter Class Plaintiffs seek permission to file a pre-motion conference letter in excess of the 3-page limit set forth in the Court's Individual Practice Rules. The pre-motion conference letter will seek permission for Class Plaintiffs to file a motion addressing several discovery issues that relate generally to supplementation of prior discovery, and the proposed service of new discovery related to averments in the Class' three operative Complaints and related matters. These issues have been the subject of several discussions with the Defendants and the issues are ripe for a motion.

These issues are sufficiently important that the Class believes that moving via a noticed motion is the preferable method for having a thorough discussion of the issues, rather than by letter motion. Thus, the need for a pre-motion conference letter. Because there are several separate, but related, issues, each of which could be the subject of a separate motion and thus a separate pre-motion conference letter, we sought the agreement of the Defendants to serve a single, pre-motion conference letter of up to 6-pages, rather than three or four separate 3-page pre-motion conference letters. Inexplicably, Defendants have refused to agree to our proposal. Therefore, by this letter we ask permission to serve a single pre-motion conference letter of up to 6-pages because we think that makes the most sense. However, if the Court prefers, we could serve separate, 3-page letters on the various issues. Under the rules, the letter(s) will be due by the close of business tomorrow so that we may use the status conference set for

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May 19 as the pre-motion conference, so we respectfully ask the Court to act on this request as soon as possible.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

*s/ K. Craig Wildfang*

K. Craig Wildfang

KCW/rjr

cc: All Counsel of Record via ECF

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